

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CLARA, CALIFORNIA, SETTING THE RATE FOR THE
TRAFFIC IMPACT FEE APPLICABLE WITHIN THE CITY'S
TRAFFIC MITIGATION PROGRAM AREA AND ADOPTING A
TRAFFIC MITIGATION PROGRAM REPORT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA,
CALIFORNIA, AS FOLLOWS:**

WHEREAS, Section 17.15.330 of the Code of the City of Santa Clara, California, authorizes this City Council to designate areas of the City within which traffic impact fee will be imposed upon new development; and

WHEREAS, by prior action, this Council has designated a portion of the City as the City Of Santa Clara Traffic Mitigation Program Area (the "Program Area"); and

WHEREAS, the boundaries of the Program Area are depicted on the Traffic Mitigation Program Area Map, which is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, this Council does not this time choose to modify the boundaries of the Program Area; and

WHEREAS, the Department of Public Works has prepared a report entitled "ANNUAL REPORT 2008-2009 TRAFFIC MITIGATION IMPACT FEES" (the "Report"), which is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

WHEREAS, the Report sets forth certain information with respect to the collection and expenditure of traffic impact fee proceeds throughout the history of the Program Area; and

WHEREAS, the Report analyzes anticipated future development within the Program Area and identifies public improvements necessary to mitigate the anticipated impacts of that future development upon the City's traffic infrastructure; and

WHEREAS, the Report proposes a revised rate for the traffic impact fee (the "Fee") imposed within the Program Area; and

WHEREAS, on December 2, 2008, this City Council held a full and fair public hearing with respect to the Report and the proposed Fee; and

WHEREAS, notice of such public hearing was given pursuant to Section 66018 of the California Government Code; and

WHEREAS, the Report was made available for public inspection as required by law; and

WHEREAS, pursuant to Section 66000 *et seq.* of the California Government Code and Section 17.15.330 of the Santa Clara City Code this City Council now desires to approve the Report and set the rate for the Fee.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. That the following findings are true and correct:

(a) Development projects in the Program Area place new demands on the City's transportation infrastructure.

(b) Especially during commute hours, the City's transportation infrastructure serving the Project Area operates at or near capacity. Consequently, the introduction of additional vehicles onto the City's streets has the effect of increasing traffic congestion. Increased congestion has negative effects on commute times, transit system efficiency, air quality, traffic safety, pedestrian and cyclist comfort, and other quality-of-life issues affecting the community.

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(c) The Report estimates the cost of each traffic infrastructure improvement necessary to mitigate the anticipated traffic impacts of anticipated new development in the Project Area and substantiates a Fee rate that will charge each new development projects only for the portion of the costs of the Program necessary to mitigate the traffic congestion expected to be caused by that development project.

(d) The Report identifies the extent to which the need for certain of the identified improvements is not entirely attributable to new development so that the Fee will not fund mitigation of such congestion.

(e) There is a reasonable relationship between the need for the identified improvements and the development projects on which the Fee will be imposed because such development projects cause traffic congestion that the Program will mitigate.

(f) There is a reasonable relationship between the Fee's use and development projects on which the Fee will be imposed because the Fee will only fund the portion of improvement costs allocable to congestion caused by those development projects.

(g) The Fee does not exceed the estimated reasonable cost of providing the facilities for which the Fee is imposed. The Fee is not levied, collected or imposed for general government purposes.

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(h) As the purpose of this resolution is to modify an impact fee to fund capital projects necessary to maintain traffic circulation service within the City's existing service areas, the setting and imposition of the Fee is exempt from environmental review under the California Environmental Quality Act pursuant to Section 21080(b)(8)(D) of the California Public Resources Code. This Resolution is for the purpose of continuing the Traffic Impact Fee only and is not intended to approve any capital projects to be funded by said fees. Such capital projects will undergo separate review under CEQA, if applicable, at such time as the City considers those capital projects for approval.

2. The Fee is hereby imposed upon development projects within the Project Area at the following rates:

Office/R&D	\$2.00 per square foot
Industrial	\$0.90 per square foot
Hotel/Motel	\$0.65 per square foot
Warehouse	\$0.20 per square foot
Transportation	\$0.35 per square foot

The Fee shall be imposed in the manner provided by Section 17.15.330 of the Santa Clara City Code and as set forth in the Report. Proceeds of the Fee shall be used to fund improvements of the nature identified in the Report, and for no other purpose.

3. That the Report is hereby approved, confirmed and adopted.

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4. That if any section, subsection, sentence, clause, phrase, or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. That this Resolution shall take effect from and after 60 days following the date of its passage and adoption.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 2ND DAY OF DECEMBER, 2008, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA